

REMARKS

This communication responds to the Office Action mailed June 12, 2007 for the application captioned above.

In the Office Action, the Examiner contended that the claims are directed to more than one distinct invention and required that Applicant elect a single invention. The inventions, as contended by the Examiner, are presented as follows:

- I. Claims 1-9, drawn to a method, classified in class 423, subclass 605;
- II. Claims 10-17, drawn to an apparatus, classified in class 422, subclass 169.

Applicant provisionally elects Group II (claims 10-17), with traverse. Applicant traverses the Restriction Requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, then it should be examined on the merits even though it includes claims directed to distinct or independent inventions. M.P.E.P § 803. The subject matter of Groups I and II are believed sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of all groups. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicant, Applicant respectfully requests examination on the merits of all the claims, not just those of the species elected.

Applicant respectfully submits that the subject matter of the inventions is sufficiently related that a thorough search for the subject matter of one of these inventions would encompass the search for the subject matter of all the inventions. For example, claims 1-9 are drawn to a method with process steps reciting providing of manganese containing solutions, aqueous oxidizing solutions and controlling parameters of solutions resulting from their mixture, while claims 10-17 are drawn to an apparatus, reciting system components, e.g., vessels, that contain manganese containing solutions and aqueous oxidizing solutions. Therefore, a thorough search for the method of Group I would encompass a search relative to these solutions and consequently also the related subject matter of Group II. Therefore, Applicant submits that no serious burden on the Examiner exists and respectfully requests the Examiner withdraw the restriction requirement.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

The Commissioner is hereby authorized to charge any additional filing fees required to
Deposit Account No. 061910.

Respectfully submitted,

Date: August 6, 2007

/Adonis A. Neblett/

Adonis A. Neblett
Registration No. 32,358

Customer No. 22859

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7000
Facsimile: (612) 492-7077
4231887_1.DOC